

AMENDMENT TO COMMITTEE PRINT
OFFERED BY MR. MARKEY

Strike section 7023 of title VII and insert the following:

1 **SEC. 7093. CONSUMER PRIVACY.**

2 (a) PROHIBITION.—The Federal Trade Commission
3 shall promulgate rules regarding the disclosure of or ac-
4 cess to consumer information in connection with the sale
5 or delivery of electric energy to a retail electric consumer.
6 Such rules shall prohibit using, disclosing, or permitting
7 access to such information unless the consumer to whom
8 such information relates provides prior written approval.

9 (b) PERMITTED USE.—The rules under subsection
10 (a) shall not prohibit any person from using, disclosing,
11 or permitting access to consumer information referred to
12 in subsection (a) for any of the following purposes:

13 (1) To facilitate a retail electric consumer's
14 change in selection of a retail electric supplier under
15 procedures approved by the State or State commis-
16 sion.

17 (2) To initiate, render, bill, or collect for the
18 sale or delivery of electric energy to retail electric
19 consumers or for related services.

20 (3) To protect the rights or property of the per-
21 son obtaining such information.



1 (4) To protect retail electric consumers from
2 fraud, abuse, and unlawful subscription in the sale
3 or delivery of electric energy to such consumers.

4 (5) For law enforcement purposes.

5 (6) For purposes of compliance with any Fed-
6 eral, State, or local law or regulation authorizing
7 disclosure of information to a Federal, State, or
8 local agency.

9 (c) AGGREGATE CONSUMER INFORMATION.—The
10 rules under subsection (a) shall permit any person to use,
11 disclose, and permit access to aggregate consumer infor-
12 mation and shall require local distribution companies to
13 make such information available to retail electric suppliers
14 upon request and payment of a reasonable fee.

15 (d) FEDERAL TRADE COMMISSION ENFORCE-
16 MENT.—Violation of a rule promulgated under this section
17 shall be treated as a violation of a rule under section 18
18 of the Federal Trade Commission Act (15 U.S.C. 57a) re-
19 garding unfair and deceptive acts or practices. All func-
20 tions and powers of the Federal Trade Commission under
21 such Act are available to the Federal Trade Commission
22 to enforce compliance with this section notwithstanding
23 any jurisdictional limitations in such Act.

24 (e) STATE AUTHORITY.—(1) If the Federal Trade
25 Commission determines that a State's regulations provide



1 equivalent or greater protection than the provisions of this
2 section, such State regulations shall apply in that State
3 in lieu of the regulations issued by the Commission under
4 this section.

5 (2) The remedies provided by this section are in addi-
6 tion to any other remedies available by law.

7 (f) DEFINITIONS.—As used in this section:

8 (1) AGGREGATE CONSUMER INFORMATION.—
9 The term “aggregate consumer information” means
10 collective data that relates to a group or category of
11 retail electric consumers, from which individual con-
12 sumer identities and characteristics have been re-
13 moved.

14 (2) CONSUMER INFORMATION.—The term “con-
15 sumer information” means information that relates
16 to the electric energy delivered to any retail electric
17 consumer.

